



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 6, 2005

LETTER OF DEFICIENCY #WSEB 05-004
CERTIFIED MAIL 7000 0600 0023 9932 7709

Michael Holden
Dillangers, LLC
PO Box 749
Moultonborough, NH 03254

Subject: Moultonborough - Public Water System: Dillangers Restaurant (EPA #1618280)

Dear Mr. Holden:

The records of the Department of Environmental Services (DES) show that the Dillangers Restaurant water system is classified as a non-community public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Admin. Rule Env-Ws 325.

DES records show that the subject water system failed to submit bacteria samples and as a result Monitoring/Reporting (M/R) violations were issued for the following months:

May 2004 and November 2004

In view of the Monitoring/Reporting violations, DES believes the deficiencies can be corrected by taking the following action:

1. **By January 20, 2005**, submit a water "make-up" sample for bacteria analysis to the state laboratory, or a state-certified laboratory, in accordance with NH Admin. Rule Env-Ws 325.

A non-community water system normally samples for bacteria quarterly unless its sampling schedule has been reduced to semi-annual sampling in recognition of the system maintaining compliance with drinking water regulations. Pursuant to Env-Ws 325.05(f), however, a non-community water system on a reduced monitoring schedule is returned to a quarterly sampling schedule if it fails to submit two or more routine bacteria samples in any 18-month period. Having failed to submit its May and November 2004 routine bacteria samples, the water system must be placed on a quarterly sampling schedule. Therefore, effectively immediately the water system's bacterial sampling schedule is now:

February, May, August and November

Letter of Deficiency #WSEB 05-004
Dillangers Restaurant
January 6, 2005
Page 2 of 2

Please be reminded to carry out the public notice requirements and provide proof of public notice to DES for the November 2004 monitoring/reporting violation.

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please contact Anne Bailey by phone at (603) 271-0672 or by e-mail at abailey@des.state.nh.us if you have any questions regarding this letter.

Sincerely,

COPY

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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Enclosures: Master Sampling Schedule
Public Notice Form

cc: Gretchen R. Hamel, DES Legal Unit Administrator
Town of Moultonborough Health Officer
Doreen Holden, Sampling Agent (w/enclosures)
EPA, Region 1